THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.3650 OF 2004

ORDER:

This writ petition is filed seeking a declaration that the action of the 2nd respondent - Executive Officer, Yellampet Gram Panchayat, in digging a bore-well in the patta land belonging to the 1st petitioner as arbitrary and illegal, and consequently direct the 1st respondent - Station House Officer, Medchal, not to harass the petitioners and not to interfere with their personal life and liberty, and also to return the motor pump-set allegedly taken away by the 1st respondent on 24.02.2004.

The petitioners claim to be the absolute owners and possessors of agricultural land to an extent of Ac.2.15 guntas, situated in Sy.Nos.170 and 171 of Yellampet village, Medchal Mandal, Ranga Reddy District. It is stated that the officials of the 2nd respondent - Gram Panchayat, came to the land of the petitioners on 10.02.2004 and started digging a bore-well in spite of the protest raised by the petitioners. In the circumstances, on the next day i.e., 11.02.2004, the petitioners lodged a complaint before the 1st respondent - Station House Officer. However, on a request made by the Sarpanch of the Gram Panchayat as well as other officials, to withdraw the complaint and utilize the bore-well dug by the 2nd respondent for cultivation purpose by the petitioners, the petitioners fixed a motor pump set by spending a sum of Rs.20,000/-, and they did not press their complaint lodged with the 1st respondent. However, subsequently, the 1st respondent started threatening the petitioners with dire consequences, saying that they failed to sign on the papers expressing their willingness for digging bore-well in the land in question. The Police have also taken away motor pump set fixed by the petitioners on 24.02.2004. Police have also threatened the family members of the petitioners. In the circumstances, apprehending danger to their life and liberty, the petitioners filed this writ petition with the above prayer.

In response to the Rule Nisi ordered, the 1st respondent/Sub-Inspector of Police, Medchal Police Station, filed a counter-affidavit denying the allegations

made by the petitioners. It is further stated that the Mandal Revenue Officer, Medchal, Ranga Reddy District, addressed letter No.E/329/2004 dated 21.02.2004 to the Circle Inspector of Police, Medchal, stating that the Sarpanch of Yellampet village in his representation dated 13.02.2004 represented that Sri G. Raja Reddy had donated Rs.60,000/- for providing drinking water to the villagers and construction of Dhobhi Ghat in Mysamma Kunta of Yellampet village during 19th Round of Janamabhoomi, and accordingly the Sarpanch had taken steps to drill a bore in the Maisamma Kunta. While drilling operation was going on, the petitioners had captured the bore well drilled by the Gram Panchayat and fitted the electric motor and started using the water from the said bore illegally to their fields and they also abused the Panchayat staff in filthy language. After receiving the said complaint, the 1st respondents registered crime No.44/2004 under Sections 447, 427, 186, IPC against the petitioners, took up the investigation, and arrested the accused. It is also submitted that the 1st respondent seized the electric motor pump in connection with Crime No.44/2004, and sent the same to the concerned Court and the matter is pending investigation.

Though the said counter-affidavit was filed in the month of March, 2004, the petitioners did not choose to file any reply affidavit contradicting the version of the respondents.

From the counter-affidavit filed by the 1st respondents, it is clear that on the basis of the complaint made by the Sarpanch, Crime No.44/2004 has been registered against the petitioners and investigation

is pending. It is also clear that the electric motor pump was seized in connection with Cr.No.44/2004 and the same was deposited in the Court of Judicial Magistrate of First Class, Medchal. In the circumstances, if the petitioners are aggrieved, it is for them to approach the Court of Judicial Magistrate of First Class, Medchal, before whom the proceedings are pending. It is also open to them to seek release of the electric motor pump, in which event, necessary enquiry will be made and appropriate orders will be passed by the Court.

For the aforesaid reasons and since the matter is pending before the competent Court, no further enquiry is necessary in this writ petition. The writ petition

is accordingly, disposed of with a direction to the 1st respondent not to interfere with the life and liberty of the petitioners, except in accordance with law. It is made clear that this shall not preclude the 1st respondent from proceeding with the investigation in Crime No.44/2004 and taking necessary further steps in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

25th January, 2006.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.3650 OF 2004

25th January, 2006.

Between:

Masani Narsaiah and

Two others. .. Petitioners.

And

The Station House Officer,

Medchal, Ranga Reddy District

and another. .. Respondents.